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10/042,324	01/11/2002	Yoshiki Ishii	03560.002979	4439
5514 7590 01/23/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER DANG, HUNG Q	
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SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/042,324

Applicant(s)

ISHII, YOSHIKI

Examiner

Hung Q. Dang

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 6-9, 15, 19-27, 30, 31, 34, 36-38, 43 and 47-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1, 4, 6-9, 15, 19-27, 30-31, 34, 36-38, 43, and 47-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed on 12/13/2006 have been fully considered but they are not persuasive.

In pages 15-17, applicant argues, with respect to claim 1, that Sakai et al. do not disclose the processing of information data by using playback description data including playback time information indicating playback start or end times of the information data, much less restoration time information indicating the amount of change of the playback start or end times, and still less the content of the playback description data being modified according to a modified playback procedure. Applicant further argues that claim 1 is seen to be allowable over Sakai and that independent claims 15, 30, 31, and 43 recite features similar in many relevant respects to those discussed in claim 1 and, therefore, are also believed to be patentable over Sakai.

In response, the examiner respectfully disagrees. Sakai et al. disclose the processing of information data by using an editing list, which is a playback description data (column 12, line 62 – column 13, line 21) including playback time information described as time codes of in-points and out-points (column 3, lines 18-21; column 7, line 63 – column 8, line 13) so that each time code is referred to as points and cuts. In this consideration, the time codes for an in-point and an out-point are obviously playback start time and end time of an item. Sakai et al. also disclose restoration time information indicating the amount of change of the playback start or end times called "transition period" (column 9, lines 57-58). Also, Sakai et al. describe actions of editing

Art Unit: 2621

by modifying the playback description data, which is an editing list, according to a modified playback procedure as desired by the user or operator (column 12, lines 62-65). With this discussion, the examiner believes Sakai et al. disclose all the limitations of claim 1.

In pages 17-18, applicant argues that, Sakai et al. fail to disclose or suggest the generation of section information indicating the section of the modified information data where the modification processing is and is not performed.

In response, the examiner respectfully disagrees. As described above, playback of data in Sakai et al. is carried out using editing list, which marks in-points, out-points, transition period, and transition mode, etc (column 9, lines 56-67). As cited by Sakai, the data is output unmodified in periods other than transition periods (column 9, lines 17-20). Thus, the transition periods are when or where the modification is performed with the type of modification being determined by the specified transition mode. In other words, inside transition periods, data are modified while, outside transition periods, they are not. With this discussion, Sakai et al. clearly disclose all limitations of claim 21.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 6, 9, 15, 19, 20-24, 27, 30-31, 34, 38, 43, and 47-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakai et al. (US Patent 6,658,196).

Claims 1 and 31 recite an apparatus and a method for processing information data and playback description data, comprising: (1) modified information data processing means and step for newly generating modified information data by using part of the information data; (2) description data processing means and step for modifying the playback procedure and modifying the content of the playback description data; wherein (3) the playback description data comprises playback time information indicating a playback start time or a playback end time of the information data; and (4) the description data processing means changes the playback start time or the playback end time according to a playback time of the modified information data; and further generates restoration time information indicating an amount of change of the playback start time or the playback end time and adds the restoration information to the playback description data.

Sakai et al. anticipate an editing apparatus and a method for editing video signals recorded on an optical disk, comprising: (1) modified information data processing means or step for newly generating modified information data by using part of the information data ("data expansion circuit", "effector", "data compression circuit" in Fig. 1, column 9, lines 36-50; column 14, lines 34-40, 55-61); (2) description data processing means or step for modifying the playback procedure and modifying the content of the playback description data ("system control circuit" in Fig. 1; column 9, lines 56-67);

Art Unit: 2621

wherein (3) the playback description data comprises playback time information indicating a playback start time or a playback end time of the information data (column 12, line 62 – column 13, line 21; column 3, lines 18-21; column 7, line 63 – column 8, line 13; column 12, lines 18-26); and (4) the description data processing means changes the playback start time or the playback end time according to a playback time of the modified information data (column 12, lines 62-65), and further generates restoration time information indicating an amount of change of the playback start time or the playback end time and adds the restoration information to the playback description data (column 9, lines 36-37, 57-58).

Claims 15 and 43 recite an apparatus and a method for processing playback description data containing an information data object having playback time information indicating a playback start time or a playback end time of the information data, designating a playback operation of information data and indicating a playback procedure of the information data, comprising: (1) instruction means and step for modifying the playback procedure such that modified information data generated by using part of the information data is played back instead of the part of the information data; and (2) description data processing means and step for changing the playback start time or the playback end time indicated by the playback time information data object according to a playback time of the modified information data, and adding restoration time information indicating an amount of change of the playback start time or the playback end time the information data object.

Sakai et al. recites an apparatus and a method for processing playback description data containing items designating cuts of transition periods (column 9, lines 59-62), which are information data object having playback time information indicating a playback start time or a playback end time of the information data (column 3, lines 18-21; column 7, line 63 – column 8, line 13), designating a playback operation of information data and indicating a playback procedure of the information data, comprising: (1) instruction means and step for modifying the playback procedure such that modified information data generated by using part of the information data is played back instead of the part of the information data ("system control circuit" in column 10, lines 38-48); and (2) description data processing means and step for changing the playback start time or the playback end time indicated by the playback time information data object according to a playback time of the modified information data, and adding restoration time information indicating an amount of change of the playback start time or the playback end time the information data object ("system control circuit" in column 9, lines 56-67).

Sakai et al. also disclose a modified information data object designating a playback operation of the modified information data is added to the playback description data, in said description data control processing step, according to the modified playback procedure (with modified information data object being "items" in column 9, lines 56-67).

Regarding claims 4 and 34, Sakai et al. disclose the description data processing means restoring the playback procedure such that the part of the information data is

Art Unit: 2621

played back instead of the modified information data (column 14, lines 34-46 – one of ordinary skill in the art would recognize this because the original materials are not modified), and again changes the content of the playback description data by using the restoration information according to the restoration of the playback procedure of the information data (by editing in-points and out-points in column 8, 45-62).

Claim 6 recites a recording means for recording the modified information data and the playback description data whose content has been modified in a recording medium in which the information data is recorded.

Sakai et al. anticipate a recording means for recording the modified information data (column 9, lines 44-51) and the playback description data whose content has been modified in a recording medium in which the information data is recorded (column 10, lines 49-52).

Claims 9 and 38 recite the information data to include encoded moving image data, and the modified information data processing means or step comprising decoding means or step for decoding the moving image data, combining processing means or step for performing a combining processing on a plurality of items of moving image data decoded by the decoding means, and an encoding means or step for encoding moving image data obtained by the combining processing to thereby generate the modified information data.

Sakai et al. anticipate the information data to include encoded moving image data (column 9, lines 9-16), and the modified information data processing means or step comprising decoding means or step for decoding the moving image data ("channel

Art Unit: 2621

decoding circuit 20" in Fig. 1), combining processing means or step for performing a combining processing ("system control circuit 15" and "effector 8" in Fig. 1; column 9, lines 36-43) on a plurality of items of moving image data decoded by the decoding means or step, and an encoding means or step for encoding moving image data obtained by the combining processing to thereby generate the modified information data ("compression circuit 7" in Fig. 1; column 9, lines 44-49).

Claims 19 and 47 recite said description data processing means and step that adds modified information data ID information for identifying the modified information data to the modified information data object.

Sakai et al. anticipates the description data processing means and step to add a transition mode, which is the modified information data ID information, for identifying the modified information data to the modified information data object (column 9, lines 59-62).

Claims 20 and 48 recite said description data processing means and step to add information indicating the type of modification processing performed on the modified information data as an attribute of the modified information data ID information.

Sakai et al. anticipate the description data processing means and step for adding information indicating the type of modification processing performed on the modified information data as an attribute of the modified information data ID information (column 6, lines 37-39; column 9, lines 59-62).

Claims 21 and 49 recite a recording apparatus and a data processing method comprising: (1) description data generation means for, and a step of, generating

playback description data indicating a playback procedure of a plurality of items of information data and modified information data which is obtained by performing a modification processing on the information data, the information data having a section on which the modification processing is not performed and a section on which the modification processing is performed; (2) section information generating means, and a step of, for generating section information indicating the section of the modified information data where the modification processing has been performed; and (3) recording means for recording the playback description data and the section information on a recording medium and an output processing step of outputting the playback description data and the selection information to the recording means.

Sakai et al. anticipate a recording apparatus and a data processing method, comprising: (1) description data generation means for, and a step of, generating playback description data indicating a playback procedure of a plurality of items of information data and modified information data which is obtained by performing a modification processing on the information data (column 9, lines 56-67), the information data having a section on which the modification processing is not performed and a section on which the modification processing is performed (column 9, lines 17-20); (2) section information generation means for, and a step of, generating section information indicating a section of the modified information data where the modification processing has been performed (column 8, lines 45-49 and 56-60); and (3) a recording means for recording the playback description data and the section information in a recording

medium and an output processing step of outputting the playback description data and the selection information to the recording means (column 10, lines 49-52).

Claim 22 recites the section information being recorded by being incorporated into the playback description data, which is anticipated by Sakai et al. (column 9, lines 56-67; column 10, lines 49-52).

Claim 23 recites the information data to include image data, the modification processing to include a special effect processing on the image data, and the section information to include a start time or end time of the special effect processing within the modified information data.

Sakai et al. anticipate the information data to include video data, which is image data (column 6, lines 30-31), the modification processing to include a special effect processing on the image data (column 6, lines 31-38), and the section information to include a start time or end time of the special effect processing within the modified information data (column 8, lines 56-60).

Claim 24 recites the information data to include image data, the modification processing to include a combining processing for combining the image data and other data, and the section information to include a start time or end time of the combining processing within the modified information data.

Sakai et al. anticipate the information data to include image data (column 6, lines 30-31), the modification processing to include a combining processing for combining the image data and other data (column 9, lines 36-39), and the section information to

Art Unit: 2621

include a start time or end time of the combining processing within the modified information data (column 8, lines 56-60).

Claim 27 recites a display control means for displaying in a display unit, based on the section information, an image representing the section of the modified information data where the modification processing has been performed.

Sakai et al. anticipate a display control means for displaying in a display unit, based on the section information, an image representing the section of the modified information data where the modification processing has been performed ("video process circuit 26" in Fig. 1; column 13, lines 19-27).

Claim 30 recites an apparatus for processing playback description data including an information data object having playback time information indicating a playback start time or a playback end time of the information data and designating a playback operation of the information data, indicating a playback procedure of the information data, the apparatus comprising: (1) modified information data processing means for newly generating modified information data by using part of the information data, the modified information data having a section on which the modification processing is not performed and a section on which the modification processing is performed; (2) instruction means for modifying the playback procedure such that the modified information data is played back instead of the part of the information data; (3) description data processing means for changing to the playback start time or the playback end time indicated by the playback time information of the information data object according to a playback time of the modified information data, and adding

restoration time information indicating an amount of change of the playback start time or the playback end time to the information data object, wherein said description data processing means adds, according to the modified playback procedure instructed by said instruction means, a modified information data object including section information indicating the section of the modified information data where the modification processing is performed, and modified information data object further designating a playback operation of the modified information data to the playback description data; and (4) recording means for recording the modified information data and the playback description data processed by said description data processing means in a recording medium.

Sakai et al. anticipate an apparatus for processing playback description data (column 12, line 62 – column 13, line 21) including an information data object having playback time information indicating a playback start time or a playback end time of the information data and designating a playback operation of the information data, indicating a playback procedure of the information (column 3, lines 18-21; column 7, line 63 – column 8, line 13), the apparatus comprising: (1) modified information data processing means for newly generating modified information data by using part of the information data, the modified information data having a section on which the modification processing is not performed and a section on which the modification processing is performed ("effector 8", "compression circuit 5" in Fig.1; column 9, lines 35-51; column 9, lines 17-20, 56-67); (2) instruction means for modifying the playback procedure such that the modified information data is played back instead of the part of

Art Unit: 2621

the information data ("system control circuit 15" in Fig. 1; column 9, lines 56-67); (3) description data processing means for changing to the playback start time or the playback end time indicated by the playback time information of the information data object according to a playback time of the modified information data, and adding restoration time information indicating an amount of change of the playback start time or the playback end time to the information data object ("system control circuit 15" in Fig. 1; column 9, lines 56-67; column 12, lines 18-26, 62-65), wherein said description data processing means adds, according to the modified playback procedure instructed by said instruction means, a modified information data object including section information indicating the section of the modified information data where the modification processing is performed, and modified information data object further designating a playback operation of the modified information data to the playback description data (column 9, lines 56-67, 17-20); and (4) recording means for recording the modified information data and the playback description data processed by said description data processing means in a recording medium ("system control circuit 15" in Fig. 1; column 10, lines 49-52).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7, 25, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai et al. (US Patent 6,658,196) as applied to claims 1-6, 9-24, 27-35, and 38-50 above, and further in view of Ferster (US Patent 5,559,562).

Claim 7 and 36 recite the information data comprising encoded moving image data, and the description data processing means or step modifying the content of the playback description data such that a playback start position or playback end position of the moving image data after the modification of the playback procedure corresponds to a boundary between units of encoding in the moving image data.

Claim 25 recites the information data being encoded, the modified information data being generated by using the encoding units as processing units, and the section where the modification processing is performed being determined independently of the processing units.

See the teachings of Sakai et al. above.

Furthermore, Sakai et al. teach the information data being encoded (column 8, lines 63-65), and the section where the modification processing is performed being determined independently of processing units (column 8, lines 56-60).

Sakai et al. do not teach the playback start and end positions corresponding to a boundary between units of encoding.

Sakai et al. do not teach the modified information data being generated by using the encoding units as processing units.

Ferster teaches that editing positions being at boundary of encoding units (column 3, lines 43-51).

Art Unit: 2621

Ferster teaches that the modified information data being generated by using the encoding units as processing units (column 3, lines 43-47).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Ferster regarding to editing positions being at boundary of encoding units into the editing system taught by Sakai et al. because doing such would make editing much easier since, according to Ferster, who uses MPEG-2 encoding for illustration, editing can only occur at key frame, which marks the boundary of encoding units, in accordance with corresponding encoding scheme (column 3, lines 1-3).

Therefore the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent of unexpected results to the contrary.

Claim 8, 26, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai et al. (US Patent 6,658,196) as applied to claims 1-6, 9-24, 27-35, and 38-50 above, and further in view of Kajimoto (US Patent 5,974,220).

Claims 8 and 37 recite the information data being recorded in a recording medium, and the description data processing means or step modifying the content of the playback description data such that a playback start position or playback end position of the information data after the modification of the playback procedure correspond to units of access on the recording medium.

Claim 26 recites the modified information data is generated by using the access units of a recording medium in which the information data is recorded, and the section

Art Unit: 2621

where the modification processing is performed is determined independently of the processing units.

See the teachings of Sakai et al. above, including the information data being recorded in a recording medium (column 9, lines 44-51) and the description data processing means modifying the content of the playback description data (column 9, lines 54-67).

Furthermore, Sakai et al. teach the modified information data is generated (column 9, lines 36-50) and the section where the modification processing is performed being determined independently of processing units (column 8, lines 56-60).

Sakai et al. do not teach the playback start and end positions corresponding to units of access on the recording medium.

Sakai et al. do not teach the modified information data to be generated by using the access units of a recording medium.

Kajimoto teaches a method of editing video information, which uses an editing information where editing time positions, which are playback start and end position, correspond to units of access on the recording medium (column 16, lines 37-50).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the features of the editing apparatus including the concept of editing time positions, which are playback start and end position, correspond to units of access on the recording medium taught by Kajimoto to the editing system taught by Sakai et al. because, so doing, helps elimination of the problem of playback

Art Unit: 2621

discontinuity demonstrated by prior art (column 10, lines 29-31; column 18, lines 53-56; column 19, lines 51-55).

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Contact Information***

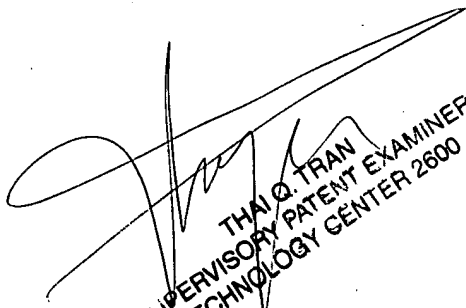
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is 571-270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hung Dang  
Patent Examiner



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